

To the Members of the Environment Committee:

Thank you for the opportunity to comment on Raised Bill Number 90: An Act Establishing A Loan Program for the Removal of Hazardous Trees from Private Property.

I speak to you as a member of the Board of Directors of the Tree Wardens Association of Connecticut and as a Tree Warden for the Town of South Windsor. I would like to say that, while we agree that this bill seeks to answer a serious question on how to deal with private trees that cause great harm by falling into roadways or onto power lines, we find that this bill contains some shortcomings that make it difficult for our organization to support. I would love to work with the sponsors of this bill to see if we can come up with a solution to a major problem, hazardous trees on private property that threaten the public in numerous ways.

Specifically, we have concerns regarding:

- The additional burdens that this Bill would place upon tree wardens.
- The time factors regarding response that it contains and the degree of expense and potential degree of liability that this Bill could place on municipalities.

Like all public servants, tree wardens are dedicated to providing the best service they can with the constraints they already have (limited hours and ever declining budgets). It's like trying to put 6 gallons into a 5 gallon pail. I can't put more in without taking some out. In fact, some of the tree wardens throughout Connecticut are not paid at all - it is common in smaller towns for the role of the tree warden to be filled by a volunteer. Even in cities and towns where the tree warden is a full-time public employee, it is very common for the role of tree warden to wear a number of hats. To do what is required in this Bill would necessitate those tree wardens taking time away from their other responsibilities to do the inspections and write the reports for trees on private property that would now be required.

The stringent time restraints required under this Bill, sixty days following a request, thirty days following receiving consent and ten days to write up the results, are all very narrow time frames, particularly in the context of the number of trees that this might entail. The average municipality in the state has slightly more than 100 miles of municipally-owned roads, not including state roads. Typically, a mile of road has between 100-200 trees along it. So, on average a typical tree warden is directly responsible for some 10,000 to 20,000 trees already, just along streets, on public property. I don't know how many additional trees this Bill would give a tree warden responsibility for, but let's say it is only 20-40% additional trees. That means the typical tree warden would now be required to have responsibility for somewhere between 2,000 and 8,000 more trees, which the tree warden would have to come out and inspect within 60 days if requested to do so!

Finally, by placing the obligation on the tree warden to come out and inspect these trees, both the expense and any potential liability regarding this inspection are now placed on the shoulders of the Town and not the property owner. Basically, this Bill gives any property owner access to a free service, although as we all know, no service is really free; someone has to be paying for it.

One major problem in what this Bill would require is that not all tree wardens are personally qualified to be able to inspect a tree and make a judgment of the sort that is required. There are many excellent tree wardens who are good tree wardens because they understand how government service is supposed to work and who then get the job done effectively and responsibly. Part of that approach is knowing when and how to get expert technical advice. Usually, there is a cost to the Town for this expert advice - a cost negotiated annually in the tree warden's budget, for him or her to use at their discretion. This Bill would place additional claims on that budget and take discretion away from the tree warden as to when to use those resources.

Even in situations where the tree warden is fully qualified to undertake the inspection on his or her own, there are still all sorts of concerns regarding liability and the limits of responsibility. What if the tree warden determines that a tree is a hazard, but not to the public or the utility system? What if there is not agreement regarding the tree warden's presence on the property among the joint owners of the property? In cases of unclear ownership, to what extent does the tree warden or the town need to research ownership? What if a tree falls that was either not inspected or inspected and not determined to be hazardous? This list could easily go on.

The Tree Wardens Association recognizes however that this Bill does seek to address a very real and serious problem. We have some suggestions that we feel would help put the cities and towns throughout the state in a better position with regards to dealing with this problem that we would like to offer to the Environment Committee:

- **Require that all tree wardens be certified.** This does not need to be certification at the level of state licensing. The Tree Wardens Association has a voluntary certification program. We provide training classes, workshops, written test and continuing education credits for Tree Wardens throughout the state. We suggest that this certification be recognized by the state as meeting a certification requirement for tree wardens. At the very least grandfather in all Tree Wardens of record and require all new appointments to be certified within 2 years. I would like to point out that this certification is intended for the purpose of requiring a prospective tree warden to demonstrate knowledge of the responsibilities associated with being a public servant, along with sufficient knowledge of what it takes to manage public trees, hold public hearings, have a good understanding of tree structure and what the municipality is responsible for.
- **Provide tree wardens protection in the face of the sometime controversial decisions that they must make.** For reasons already mentioned, a tree warden might well find him

or herself in the thick of a controversy over a decision made. Currently, tree wardens largely serve at the discretion of the chief elected official in that municipality, making it very easy for the tree warden to be removed from office should a decision prove to be unpopular or leads to an undesired outcome. The rights of the tree warden should be bolstered, including their ability to keep their jobs when a tree warden is acting in a good faith effort to meet the professional responsibilities placed upon them by virtue of their position by providing a safe environment for the public.

- **Consider the full range of issues associated with private trees.** There are more concerns regarding private trees and the public good than just those associated with trees that have the potential to fall. These include private trees that might impinge on sightlines along streets, trees that might harbor very serious insects or diseases, or trees that might be an attractive nuisance. If a law is to be effective regarding a tree warden's ability to take action regarding private trees, it should consider the full range of issues relating to the public good.
- **Encourage that the tree wardens have the necessary resources to do their jobs.** In the end, the tree warden in any town is only one person with a broad range of responsibilities, and now we are talking about increasing those responsibilities. Without the necessary resources to do the job properly, the job will not get done as well and as effectively as desired - those are simply the facts of life. It is a dangerous trend to set certain parts of the job above others - public safety requires an integrated, unified approach, with the tree warden given full discretion and full authority. As tree wardens, we would like to see the position of tree warden better supported in the full range of our responsibilities as called forth already in statute. It is important that we receive the resources needed to protect the public, including financial resources,

Thank you very much,

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Tree Warden

Town of South Windsor

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